

04-10063

United States Court of Appeals For the First Circuit

No. 05-1019

UNITED STATES,

Appellee,

v.

NESTOR RODRIGUEZ,

Defendant, Appellant.

Before

Boudin, Chief Judge,
Lynch and Lipez, Circuit Judges.

JUDGMENT

Entered: June 7, 2005

No objection to defendant's "Assented-To Motion for a Remand for Resentencing in Light of United States v. Booker" having been filed, the defendant's conviction is affirmed, his sentence is vacated, and the case is remanded for resentencing in light of United States v. Booker, 125 S. Ct. 738 (2005). We intimate no view as to whether the same or a different sentence should be imposed on remand.

By the Court:

Richard Cushing Donovan, Clerk.

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FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: S. Pedraza Date: 6-7-05

MARGARET CARTER

By: _____
Chief Deputy Clerk.

[certified copies to: Hon. Reginald C. Lindsay and Sarah A.
Thornton, Clerk]

[Syrie Fried, Esq., Peter K. Levitt, Esq. and Dina Michael
Chaitowitz, Esq.]